

REMARKS

This amendment is filed herewith along with a Request For Continued Examination ("RCE") to continue prosecution of the present application. In the "Decision on Appeal" mailed February 26, 2003, Applicants were advised by the Board of Appeals and Patent Interferences that claim 1 did not reflect the tape being cut and secured to the web under tension. See Decision at paragraph bridging pages 3-4. Accordingly, the Examiner's rejection of claims 1-3, 8 and 12 was affirmed.

Claims 1-3 and 8-15 remain pending in the present application. Claims 1-3, 8 and 12 stand rejected over the prior art of record. Claims 9-11 and 13-14 stand allowed. Finally, claims 15 which depends from claim 1 would be allowable if written into independent form.

In view of the above, Applicants have amended claim 1 to recite that the "vacuum belt means" additionally includes the function "for fixedly forcing said section of tape and fastener profile against said web." Support for this amendment is found at page 30, lines 9-24 of the specification. As will be apparent to one skilled in the art, fixedly forcing the tape against the web inherently provides tension on the tape. Thus, claim 1 includes the limitation of the tape being under tension during sealing. The cited prior art of record does not teach or suggest this element of claim 1 and therefore dependent claims 2-3, 8 and 12. Reconsideration of the application is respectfully requested. ✓

Applicants have also amended claim 15 into independent form by incorporating the elements of claim 1. Allowance of claim 15 is respectfully requested.

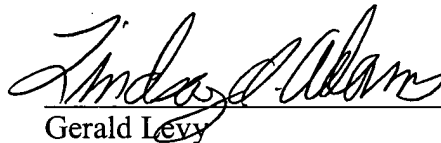
If the Examiner has any questions regarding the amendment submitted herewith, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number set forth below.

11

Applicants do not believe that any additional fees are due other than the requisite fee for the RCE. However, if any additional fees are due, please charge such sums to our Deposit Account 50-1145.

A marked-up version of the claims is included in a section attached hereto. In the marked-up claims, the words between brackets are being removed and the underlined words are being added, which places the amended claims into the form given above. The attached section is captioned **VERSION WITH MARKINGS TO SHOW CHANGES MADE.**

Respectfully submitted,



Gerald Levy
Registration No. 24,419

Lindsay S. Adams
Registration No. 36,425

Attorneys for Applicant

Pitney, Hardin, Kipp & Szuch LLP
685 Third Avenue, 19th Floor
New York, New York 10017
(212) 297-5800

